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In The
Supreme Court of the United States

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,

Petitioner,

v.

MICCOSUKEE TRIBE OF INDIANS, et al.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit

BRIEF FOR THE LAKE WORTH DRAINAGE DISTRICT AND THE FLORIDA ASSOCIATION OF SPECIAL DISTRICTS AS *AMICI CURIAE* IN SUPPORT OF PETITIONER SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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INTEREST OF *AMICI CURIAE*

Amici curiae,[1] Lake Worth Drainage District ("LWDD") and the Florida Association of Special Districts ("FASD"), submit this brief in support of the Petitioner, South Florida Water Management District ("SFWMD"), seeking reversal of the decision of the Eleventh Circuit Court of Appeals in *Miccosukee Tribe of Indians, Sam Poole v. South Florida Water Management District; Friends of the Everglades v. South Florida Water Management District*, 280 F.3d 1364 (11th Cir. 2002).

In Florida today there are more than one thousand independent and dependent special districts, governed by more than 30 statutes and involving over 500 local governments. Special districts have a long history in the State of Florida and all were created in order to provide specific government services to a target population. Included among Florida's special districts are 96 water control districts and five water management districts.

FASD, a Florida Corporation, is an association consisting of 89 special districts in the State of Florida, including 39 of the State's water control districts. LWDD, a member of FASD, is an independent taxing district of the State of Florida created on June 15, 1915. The District currently operates pursuant to special legislative act and Chapter 298, Florida Statutes. LWDD encompasses approximately 218 square miles in southeastern Palm

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[1] Counsel for a party did not author this brief in whole or in part. No person or entity, other than the *amici curiae*, their members, or their counsel made a monetary contribution to the preparation and submission of this brief. Written consent to file this brief has been obtained from all parties.

Beach County, Florida. It includes within its boundaries 11 municipalities, 20,000 acres of agricultural land and is bordered on the west by the Arthur R. Marshall Loxahatchee National Wildlife Refuge, otherwise known as Water Conservation Area #1 ("WCA-1").

LWDD was created for the purpose of reclaiming the lands within its boundaries for agriculture and other types of development and for the purpose of water control and water supply through the construction and maintenance of canals, ditches, water control structures and pumping stations. Its water management system provides comprehensive flood control and water supply protection to over 700,000 residents, 20,000 acres of prime agricultural land and 120,000 acres of urban development. It does this by maintaining approximately 511 miles of canals, 20 major water control structures and numerous other minor structures. The district's flood control discharges are through control structures (pumps, weirs and dikes) to discrete water bodies such as Lake Worth Lagoon (a part of the Intracoastal Waterway) and the Hillsboro Canal, which are outside the boundaries of the LWDD system, as well as a number of lakes which are within its boundaries. The system is also operated to provide groundwater recharge and for the prevention of salt water intrusion. LWDD relies for its water supply on deliveries from the U. S. Army Corps of Engineers' Central and Southern Florida Flood Control Project (C&SFCP), primarily WCA-1, which is separated from the LWDD system by a dike and control structures. The District utilizes this water supply to maintain canal levels that recharge public water supply well-fields, to prevent salt water intrusion and to provide irrigation to a vital agricultural area in Palm Beach County. LWDD's canal system constitutes the receiving

waters for much of southeast Palm Beach County's stormwater runoff. LWDD is the largest water control district in the State of Florida.

LWDD is one of 19 water control districts located within Palm Beach County alone. All of these districts utilize various major and minor water control structures such as pumps, spillways and canals which meet the definition of "point source" found in the Clean Water Act ("CWA"). 33 U.S.C. §1251 *et seq.*; *see* 33 U.S.C. §1362(14). These districts serve both agricultural and urban needs. For example, there is the South Florida Conservancy District ("SFCD"). This water control district is located in the Everglades Agricultural Area south of Lake Okeechobee. The district's structures, in this case pumps, provide the SFCD with the opportunity to withdraw water from Lake Okeechobee for agricultural water supply needs. Likewise, these pumps provide the district with the opportunity to discharge excess water from its geographic boundaries to Lake Okeechobee for flood control purposes. The district is equipped with pumps on its southernmost boundary from Lake Okeechobee which allows it to pump and discharge water from the Hillsboro and North New River Canals to the south. In addition, the SFCD is served by the S-236 pump station on the southern border of Lake Okeechobee.

Another example is the Northern Palm Beach County Improvement District ("NPBCID") which services an urban area. This water control district is located in the northeastern portion of Palm Beach County and extends to the county's boundary with Martin County to the north. The NPBCID is comprised of separate parcels separated by levees. Each parcel is equipped with pumps that allows it to withdraw or discharge water over district levees into

either the C-17 or C-18 canals operated by SFWMD, which are navigable waters of the United States.

Districts such as LWDD, NPBGID and SFCD are subject to various permits (*e.g.*, diversion and impoundment, surface water management) issued and monitored by the State's water management districts. None of these water control districts, however, has ever been required to obtain a Section 402 National Pollution Discharge Elimination System ("NPDES") point source permit to operate. Under the holding of the Eleventh Circuit's decision below, and the broad language utilized in that holding, the question, and concern, is raised whether the LWDD and the FASD's water control district members will be required to obtain Section 402 point source permits for each of their water control structures which merely transfer water from one navigable body of water to another.

The impact of the Eleventh Circuit's decision on such water control districts is enormous. In an attempt to quantify that potential impact, LWDD has conducted an evaluation of the consequences of its being made subject to the NPDES point source permitting requirements for all of its structures which could be deemed point sources of discharge. The evaluation, contained in a report reviewing LWDD's system and the most likely permitting scenarios,[2] demonstrates an extensive, burdensome and expensive regulatory process. Neither the language of the CWA nor its legislative history supports a finding that Congress

[2] E Sciences, Inc., *National Pollutant Discharge Elimination System Permitting Analysis for the Lake Worth Drainage District* (September, 2003).

intended such a requirement for water control and water management districts that receive waters into their own navigable water bodies, add no pollutants and act as a conduit of surface water runoff to other navigable bodies as part of a flood control and water supply protection system. Should the Eleventh Circuit's decision be upheld, the scenario outlined below as it affects LWDD would be multiplied thousands of times over throughout the State of Florida and the country as a whole.

SUMMARY OF THE ARGUMENT

The decision below, requiring as it does a Section 402 NPDES permit when water containing pollutants is transferred through a point source from one navigable body to another, is contrary to the express intent of Congress in passing the Clean Water Act. Congress identified the purpose of point source permits as being directed at industrial and municipal waste dischargers of pollutants in order that such pollutants could be addressed at their source. It further expressed its intent to recognize, preserve and protect the primary responsibilities and rights of states with regard to the use of land and water resources.

The decision below is in conflict with this Congressional intent as well as previous decisions of the Fourth, Sixth, and the District of Columbia Circuits. If permitted to stand, it will have a significant impact on *amici curiae* and other similarly situated governmental water control and water management districts in the State of Florida as well as across the country, requiring applications for multiple NPDES point source permits. This is contrary to

long-standing policies and procedures and in conflict with the federal/state system of preventing and reducing pollution set out in the CWA. An analysis of the potential cost to LWDD of being subjected to the NPDES point source permitting program suggests that the cost of implementation of such permits, *i.e.*, the need to meet discharge standards, is likely to be in the hundreds of millions of dollars. Such enormous costs cannot be justified, and demonstrate that Congress could not have intended such, where LWDD merely moves waters with pre-existing pollutants (at the time it receives the surface waters and stormwater), which have already been previously permitted through the NPDES permitting process.

The CWA establishes respective federal and state responsibilities for water quality. It retains within the states the responsibility for flood control, water quantity management and regulation, land use and the like. The Eleventh Circuit's strict "but for" test requiring Section 402 NPDES permits in circumstances such as those presented here and applying that requirement to water control and water management districts, would result in the broad and unwarranted expansion of federal regulation of activities Congress intended to remain with the states and which are otherwise regulated through both federal and state programs. For these reasons the decision below should be reversed.

ARGUMENT

I. THE MOVEMENT OF WATER CONTAINING POLLUTANTS FROM ONE NAVIGABLE BODY OF WATER TO ANOTHER THROUGH A SURFACE WATER CONVEYANCE FACILITY OR STRUCTURE DOES NOT CONSTITUTE A "DISCHARGE OF A POLLUTANT" WHICH REQUIRES A SECTION 402 NPDES POINT SOURCE PERMIT PURSUANT TO 33 U.S.C. §1342.

The impact of the Eleventh Circuit's expansive "but for" interpretation of the "addition . . . from" element set forth in 33 U.S.C. §1362(12) which would require an NPDES permit to transfer surface water or stormwater from one navigable body to another, is starkly demonstrated by a review of the requirements it would place on LWDD, the dozens of other water control districts in the State of Florida and the five water management districts, including SFWMD. It is a review of the impacts on these types of entities which also vividly demonstrates that the Eleventh Circuit's interpretation is not what Congress intended in the distinctions it made between point source and non-point sources of pollutants and pollution.

In *National Wildlife Federation v. Gorsuch*, 693 F.2d 156 (D.C. Cir. 1982), the Circuit Court of Appeals for the District of Columbia accepted the argument of the Environmental Protection Agency ("EPA") "that for addition of a pollutant from a point source to occur, the point source must *introduce* the pollutant into navigable water from the outside world . . . " *Id.* at 165. As a result, despite dam-induced water quality changes in water which is then transferred from the reservoir to the downstream river, it was held that an NPDES point source permit was not

required because this did not constitute the "addition" of pollutants into a navigable body of water. In arriving at its conclusion the D.C. Circuit engaged in a lengthy and exhaustive analysis of the CWA's legislative history to discern the intent of Congress. *Id.* 171-182. Among the D.C. Circuit's findings regarding Congressional intent were the following:

> 1. With respect to NPDES point source permitting, Congress' focus was on traditional industrial and municipal wastes, not how to regulate facilities such as dams transferring water (and pollutants) from upstream water to downstream water (*Id.* at 175);
>
> 2. It did not appear that Congress intended to apply the NPDES point source permitting system wherever feasible (*Id.* at 176);[3]
>
> 3. Congress made clear and precise distinctions between point sources, which would be subject to direct federal regulation under the CWA, and non-point sources, the control of which was specifically reserved to state and local government.

As a result the court in *Gorsuch* interpreted the "addition" criterion as requiring the pollutant to be introduced into the navigable waters from the "outside world." This decision was consistent with the previous determination by the Fourth Circuit Court of Appeals that "[t]hose

[3] "Had it wanted to do so, [Congress] could easily have chosen suitable language, *e.g.*, 'all pollution released through a point source.' Instead, as we have seen, the NPDES system was limited to 'addition' of 'pollutants' 'from' a point source." (*Id.* at 176)

constituents occurring naturally in the waterways or occurring as a result of other industrial discharges, do not constitute an addition of pollutants by a plant through which they pass." *Appalachian Power Company v. Train*, 545 F.2d 1351, 1377 (4th Cir. 1976). This reasoning was subsequently followed in *National Wildlife Federation v. Consumers Power Company*, 862 F.2d 580 (6th Circuit 1988) (where a hydro-electric facility's release of turbine generating water containing entrained fish, a pollutant created by the normal operation of the facility, into Lake Michigan (from where the water and fish originally entered the reservoir) was held not to constitute the "addition" of pollutants so as to require an NPDES permit).

Relying on the First and Second Circuit decisions in *Dubois v. United States Department of Agriculture*, 102 F.3d 1273 (1st Cir. 1996) and *Catskill Mountains Chapter of Trout Unlimited, Inc. v. City of New York*, 273 F.3d 481 (2nd Cir. 2001), and without any discussion of the legislative history of the CWA and Congressional intent, the Eleventh Circuit, in the case under review, rejected the *Gorsuch* court's interpretation of 33 U.S.C. §1362(12).[4]

The decision below imposes a strict "but for" test for determining whether the NPDES point source permitting process applies to transfers of water from one navigable body of water to another. It basically establishes four criteria:

[4] While the decision below could be viewed as attempting to limit *Gorsuch* to its specific facts, *i.e.*, applying only to dams, there is nothing in the *Gorsuch* opinion itself that purports to limit its holding or its reading of the legislative history as such.

1. In determining whether pollutants are added to navigable waters from the outside world for purposes of the CWA, the receiving body of water is the *only* relevant body of navigable water;

2. For an addition of pollutants to navigable waters to require a Section 402 permit, the addition must be from a point source;

3. For an addition of pollutants to be from a point source, the relevant inquiry is whether, *but for* the point source, the pollutants would have been added to the receiving body of water (*Id.* at 1368); and

4. The addition from a point source occurs if a point source is the cause-in-fact of the release of pollutants into the receiving navigable body of water.

In addition, the Eleventh Circuit concluded that a point source does not have to be the original source of the pollutants. Rather, it "can . . . indicate the 'agent or instrumentality' or the 'cause or reason' by which the pollutants are added to navigable waters." *Id.* at 1368, n.6. The Eleventh Circuit's ultimate conclusion, then, is that the transfer of water from a navigable body which contains pollutants (as that term is defined in the CWA) through a point source, which itself does not add any pollutants to the water, to another navigable body necessarily requires the obtaining of a Section 402 NPDES permit.

The distinction between point source pollutants and non-point source pollution is neither academic nor insignificant. While, as noted in *Gorsuch*, Congress intended the NPDES program to play a major role in accomplishing the purposes of the CWA, the regulatory

scheme provided that it remained up to the states to address non-point sources of pollution. 33 U.S.C. §§1313(b) and (e), 1329. In 1987, Congress added Section 319 of the CWA (33 U.S.C. §1329) creating a three stage non-point source management program requiring states to develop non-point source assessment reports, non-point source management programs and phased in implementation of those programs with the assistance of federal funds. Section 319, through making available federal funds to states and local governments, encourages states to implement best management practices to address non-point source pollution problems. However, non-point source pollution remains within the states' realm of responsibility.

The express policy of the Congress is to recognize, preserve and protect the primary responsibilities and rights of states not only to prevent and reduce pollution but to plan the development and use of land and water resources and to allocate quantities of water within their jurisdictions. 33 U.S.C. §1251(b) and (g). This Congressional intent was expressly noted and deferred to by the Court in *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers*, 531 U.S. 159, 174 (2001).

The State of Florida has enacted a number of water quality statutes including the Florida Water Resources Act of 1972 (Chapter 373, Florida Statutes), the Florida Environmental Re-organizational Act of 1993 (Chapter 93-212, Laws of Florida), the Surface Water Improvement and Management Act of 1987 (Florida Statutes, Section 373.453 *et seq.*), and the Florida Watershed Restoration Act of 1999 (Florida Statutes, Section 403.067). *See also* Florida Statutes, Chapter 403, Part I (the Florida Air and

Water Pollution Control Act) and Part VI (the Florida Safe Drinking Water Act). In the State of Florida, the primary agencies for enforcing the State water quality laws and exercising the State's rights and responsibilities under the CWA are the Florida Department of Environmental Protection (FDEP) and the water management districts. Water control districts, such as LWDD, which are permitted by water management districts, play a crucial role in the implementation of these plans and responsibilities.

To impose upon these water management entities the requirement of a Section 402 NPDES permit every time water is transferred through a point source from one navigable body to another would place an unbearable burden on these districts, would interfere with the State's management of these resources and would, in essence, preempt, by judicial fiat, the express intent of Congress. Under the holding of the decision below, any transfer of water from one body to another that introduces an already existing pollutant would require an NPDES point source permit. This is so even in those situations, as with the S-9 pump station, where the two bodies of water would be one but for a man-made structure which separates them. The changes to the movement, flow or circulation of these navigable waters caused by the construction of man-made structures or flow diversion facilities, are intended to be and have been controlled by the states under non-point source procedures and methods developed with guidance from the EPA. 33 U.S.C. §1314(f)(2)(F); *National Wildlife Federation v. Consumers Power Company*, 862 F.2d 580, 588 (6th Cir. 1988); *see also EPA, The Control of Pollution from Hydrographic Modifications* (1973).

Just as the SFWMD does, LWDD and the other water control districts in the State receive water which can, and

most often will, contain pre-existing pollutants[5] which were naturally occurring or added from other sources upstream. These waters are then transferred through structures, which meet the definition of "point sources", into other navigable bodies of water without the addition of any new pollutants or, in the case of, for example, agricultural operations, the addition of pollutants from exempt activities. *See* 33 U.S.C. §1362(14). Under the expansive language of the decision below, a Section 402 NPDES permit would be required at each point source where such a transfer occurs. This would, for all intents and purposes, usurp the State's role in the overall management of its water resources.

For a water control district such as LWDD, a requirement to obtain an NPDES point source permit for its movement of water from one navigable surface water body to another would impose significant financial and operational burdens. LWDD, which has a large number of water control structures and moves water to and from a number of navigable bodies, is required to obtain a diversion and impoundment permit from SFWMD. Landowners within the district who discharge into the district's canals may also be subject to the extensive total maximum daily load ("TMDL") program regulatory requirements of Section 403.067, Florida Statutes, which address surface waters that do not meet the State's water quality standards. This

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[5] "Pollutant" is defined in 33 U.S.C. §1362(6) as meaning "dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water."

provision of Florida law, addressing both point source pollutants and non-point source pollution, is a state program in accordance with the planning requirements of Section 303(d) of the CWA. 33 U.S.C. §1313(d).

To now impose the additional regulatory requirement of obtaining an NPDES point source permit for the transfer of water from one body to another would place LWDD and other water control districts in the position of not only having to engage in a separate and costly permitting process, but of potentially having to treat water at each point source to remove already existing pollutants. And, at least based on the Ninth Circuit's view, this would be the case even where there is no net increase in the level of pollutants in the receiving body of water. *See, Committee to Save Mokelumne River v. East Bay Municipal Utility District*, 13 F.3d 305 (9th Cir. 1993). The point source/non-point source regulatory system created by the CWA and its implementation by the state and federal governments militate against the Eleventh Circuit's expansive view of the NPDES point source permitting process and the inordinate and unwarranted regulatory burden it would place on state and local water management and water control entities.

That NPDES point source permits were not intended by the Congress to apply to the transfer of surface water and stormwater from one navigable body to another is readily apparent from a review of the legislative history and the actual implementation of the NPDES point source permitting process, at least in the State of Florida. Senate Report No. 92-414, The Federal Water Pollution Control Act Amendments of 1971 Report of the Committee on Public Works, discusses in significant detail the legislative intent behind the CWA including the reasons for, and the

nature of, the permit system addressing the discharge of pollutants into the country's navigable waters. In the discussions regarding point sources, and the need to regulate the discharge of pollutants from point sources, it is abundantly clear that the focus is on *industrial and municipal waste* point sources, *i.e.*, controlling the discharge of pollutants at their original source. For example, in establishing federal standards of performance for the control of the discharge of pollutants from "new sources"[6] under Section 306 of the CWA (33 U.S.C. §1316), the Congress specifically listed twenty-eight specified *industries* which "must be constructed to meet a standard that reflects the greatest degree of effluent reduction that can be achieved by use of the latest available control technology." Senate Report No. 92-414, Section 306. The entire list contained in 33 U.S.C. §1316(b)(1)(A) consists of industrial and manufacturing endeavors. There are no categories which even remotely resemble a water control district.[7]

Throughout the remainder of the Senate Report all references to point source discharges of pollutants reflect the Senate's intent to control industrial and municipal waste discharges at their source, *i.e.*, at their *original*

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[6] The term "new source" is defined as "any source, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under this section which will be applicable to such source, if such standard is thereafter promulgated in accordance with this section." 33 U.S.C. §1316 (a)(2).

[7] *See also* 33 U.S.C. §1311(b)-(m) (addressing effluent limitations for different categories of point sources) and 33 U.S.C. §1314(b) and (d) (addressing levels of treatment required for industrial and municipal waste point sources).

source. *See United States v. Riverside Bayview Homes, Inc.*, 474 U.S. 121, 132-133 (1985). Neither in this Senate Report nor in any other part of the legislative history of the CWA that *amici curiae* have discovered is there any indication of Congress' intent to regulate the transfer of surface water and stormwater from one navigable body to another by water control districts or water management districts through the Section 402 NPDES permitting program. Indeed, it would be a significant stretch to classify the LWDD or any other similar entity as an industrial or municipal waste operation or endeavor.

The permit application process itself lends additional authoritative data to this view of Congress' intent. In Florida, the Section 402 NPDES permit program has been delegated by EPA to the FDEP. The forms utilized by FDEP in this permitting process demonstrate that the enforcing agencies have not interpreted the CWA as requiring, and have not contemplated, the applicability of Section 402 NPDES permits to water control districts and water management districts transferring surface waters and stormwater from and to navigable waters, even through point sources. Wastewater Facility or Activity Permit Application Form 1 (App. 1-24) identifies the group of forms, in addition to this general form, which are necessary to apply for a permit for a wastewater facility or activity under Chapter 62-620, Florida Administrative Code. There are eight specific forms identified in Application Form 1. (App. 1-2) The only form which could arguably be applicable to the LWDD or other water control or water management districts, is Form 2F. That form is entitled "Permit to Discharge Stormwater Associated with Industrial Activity." (App. 25-54) Once again, the intent that NPDES point source permits do not apply, and have

never been meant to apply, to the movement of water for water control and management purposes is manifest. It is no accident that for almost thirty (30) years such permits had not been required of governmental entities that transferred surface waters from one navigable body to another. The language of the CWA, its legislative history, the regulatory agencies' application of the law and, until *Dubois*, *Catskill Mountains* and *Miccosukee Tribe of Indians*, the applicable case law established the non-applicability of Section 402 to such activities.

LWDD has evaluated the impact of the Eleventh Circuit's decision in *Miccosukee Tribe of Indians* on its operations and budget. It presents a case study on the enormous cost locally and nationwide which would be imposed by the Eleventh Circuit's strict "but for" test for requiring NPDES permits and demonstrates that the Eleventh Circuit's reading of this portion of the CWA could not be what Congress intended.

LWDD is not an industrial plant, a publicly owned treatment works (POTW) or a municipal separate storm sewer system (MS4). It engages in no industrial activity, treats no wastewater and, in the course of its operations, introduces no pollutants into any of the waters under its control. As previously noted, LWDD is a water control district which operates a water management system providing comprehensive flood control and water supply protection. It is basically in the business of collecting and moving water.

The LWDD consists of four separate basins. The entire system consists of 17 major discharge structures, 13 minor discharge structures, 56 aluminum or wood risers/gates and 14 sheet pile weirs. The LWDD is bordered on the

west by the SFWMD L-40 canal which separates the LWDD from WCA-1.

Its main source of water is WCA-1. Its canal system is actually the receiving waters for much of Palm Beach County, which is a regulated, NPDES permitted, Phase I MS4 county. Phase I permits require all outfalls to waters of the United States to have been identified and both structural and non-structural Best Management Practices (BMP) to have been implemented for the purpose of improving the water quality of the receiving waters. Thus, LWDD, whose waters are waters of the United States (*see amici curiae*'s Brief in Support of Petition for Writ of Certiorari, App. 1-19) is receiving NPDES permitted water.

The district's basins are defined by the direction of water flow. Surface/stormwater is contained within each basin, directed towards canals and, when necessary, discharged. The four basins are the C-51 basin, the C-16 basin, the C-15 basin and the Hillsboro basin.

C-51 Basin – The C-51 Basin is approximately 65 square miles in size. It is the northernmost basin in the LWDD. The C-51 canal (also known as the West Palm Beach Canal) is the major collector of flow for the basin. There are also 12 main lateral canals (L-1 to L-12) and 5 equalizing canals (E-1, E-2E, E-2W and E-3 and E-4). Water is directed from the lateral canals to the equalizers to the C-51 which discharges into the Intracoastal Waterway (ICWW), a navigable body outside the boundaries of the LWDD. There are 3 control structures south of the C-51 canal that discharge and maintain water levels. These structures are known as the CS-2, CS-4 and CS-6. Along

its western border with the L-40 canal there is a gravity-fed culvert that connects the LWDD L-23W canal with WCA-1 at the SFWMD G94-C control structure. The L-23W canal flows east to the E-1 equalizing canal and then south into the L-30 lateral canal in the C-15 Basin from which water is discharged by control structure CS-11.

C-16 Basin – The C-16 Basin is approximately 65 square miles in size. It consists of 15 lateral canals (L-13 to L-27) and 4 equalizing canals (E-2W, E-2E, E-3 and E-4). Flow in this basin is directed to the Boynton Canal, the L-14 or the E-4. The E-4 is a partially natural channel that runs through Lake Osborne, a navigable body within the boundaries of LWDD. The L-14 discharges into the E-4. E-4 and Boynton Canal discharge into the SFWMD C-16 which discharges into the ICWW. There are two control structures to discharge and maintain water levels known as the CS-8 and the CS-9.

C-15 Basin – The C-15 Basin is approximately 55 square miles in size. It consists of 15 lateral canals (L-28 to L-42) and 5 equalizing canals (E-1, E-2W, E-2E, E-3 and E-4). The L-30, L-38, and E-4 canals are major collectors. Flow from the L-30 is directed to the E-4, which is partially a natural channel that runs through Lake Ida, a navigable body within the boundaries of LWDD. The E-4 and L-38 discharge to the ICWW through the SFWMD C-15 canal, which is the eastern extension of the L-38 canal. There are two major control structures that discharge and maintain water levels, known as the CS-11 and CS-12.

Hillsboro Basin – The Hillsboro Basin is approximately 60 square miles in size. It contains 9 lateral canals (L-42 to L-50) and 6 equalizing canals (E-1W, E-1, E-2W, E-2E, E-3 and E-4). The equalizing canals discharge to the

SFWMD's Hillsboro Canal which then discharges to the ICWW. There are 10 control structures to discharge and maintain water levels known as the CS-1, CS-3, CS-14, CS-15, CS-16, CS-17E, CS-17N, CS-17W, CS-19 and CS-20.

It bears repeating that the LWDD system includes 17 major discharge structures, 13 minor discharge structures and scores of risers/gates and weirs. All of the canals in the LWDD are navigable bodies of water. Given the language of the CWA and the broad interpretation EPA and the courts[8] have given to the definition of "point-source," all of LWDD's structures could be considered point sources. And given the Eleventh Circuit's decision, the LWDD structures have the potential to discharge pollutants to navigable waters because a) any of the structures could theoretically separate waters of different quality (*e.g.*, a weir can cause upstream water to be stagnant), b) there are a number of potential land sources of pollution (non-point sources) within LWDD that contribute to the generation of pollutants, and c) LWDD's canals have been determined to be navigable waters.

Most surface waters (waters of the United States) contain pollutants. If, as the Eleventh Circuit has now held, simply passing that water through a drainage structure to another surface water could be considered the "addition of pollutants" as set forth in the CWA, thus requiring an NPDES point source permit, it is likely that

[8] *See, e.g., United States v. Earth Sciences, Inc.*, 599 F.2d 368, 374 (10th Cir. 1979); *Colvin v. United States*, 181 F. Supp. 2d 1050, 1056 (C.D. Cal., 2001).

most drainage control structures would be subject to permitting. Therefore, based on this overly expansive view of the concept of discharge, every LWDD structure could require a permit.

Historically, the EPA and the State of Florida have not required permits from systems such as the LWDD. However, when drainage systems contain stormwater treatment, the State has required permitting either through the NPDES MS4 program or the NPDES industrial wastewater program. Indeed, treatment, usually at the point of discharge, is a key component of the point source permitting process.

While theoretically each and every LWDD structure could be required to obtain an NPDES point source permit, due to the interconnected nature of the LWDD system and assuming a permitting effort to be focused on improving the quality of discharge, LWDD has, for purposes of this discussion, anticipated that permits would be issued for each of the four basins within the district. The potential scenario, then, would be that permits would be issued for the C-51, C-16, C-15 and Hillsboro Canal basins. And since LWDD is not a municipal separate storm sewer system, it would appear that following the lower court's decision the NPDES industrial program, rather than the MS4 program, would be the permitting process LWDD would be subjected to.

While point source dischargers' performance is intended under the NPDES program to be measured by

strict technology-based effluent limitations,[9] given the nature of LWDD and other water control systems (*i.e.*, non-industrial, non-municipal waste dischargers), treating LWDD's transfer of water through its control structures as point source discharges in the permitting process would require the district to meet traditional State criteria establishing a discharge standard for the particular system. In establishing the discharge standard LWDD would need to address at least three items.

1. LWDD would need to meet Water Quality Based Effluent Limitations (WQBEL) as that process is defined in Chapter 62-650, Florida Administrative Code. WQBELs establish effluent limits that a discharger must meet to protect the water quality of the receiving water body. The goal is to establish the quality of discharge necessary to protect the receiving water body and the effluent limit is based on protecting the surface water rather than being a level of treatment that technology can readily meet. *See* Rule 62-650.200, Florida Administrative Code.

2. A cause or contribute analysis must also be done to demonstrate that the discharge at issue does not cause or contribute to the failure of the receiving surface water to meet all water quality criteria at all times.

3. LWDD would also be required to comply with the anti-degradation requirements of rules 62-4.242 and 62-302.300, Florida Administrative Code, prohibiting the lowering of water quality that is above criteria unless the proposed discharge is necessary or desirable under federal

[9] *See EPA v. California ex rel. State Water Resources Control Board*, 426 U.S. 200, 204-205 (1976).

standards and are clearly in the public interest. Lowering of water quality below applicable criteria is deemed to be not in the public interest and will not be permitted.

In addition, Florida is in the process of implementing a Total Maximum Daily Load (TMDL) program pursuant to Section 403.067, Florida Statutes. A TMDL is the total pollutant loading allowed into a water of the United States that will not cause the water body to violate water quality standards.[10] Integral to the State's TMDL program is the requirement to address pollutant load reduction goals through effluent limitations in NPDES permits. The TMDL for any water body includes point and non-point source loading, natural background loading and a margin for error.

The Section 402 NPDES permit process also involves an extensive water quality monitoring program. Traditionally included is a review of the industrial process involved in the generation of the pollutants being discharged. This component of the review is not particularly well-suited to the non-point discharges that would contribute pollutants to the LWDD system. As previously noted, the LWDD's canal system is actually the receiving waters for much of Palm Beach County. Almost fifty percent of the area located within the LWDD's boundaries is urban and is already the subject of the BMPs of a Phase I MS4 permit. Pollutant generation within the LWDD is likely to depend upon land uses which generally consist of

[10] For an overview of TMDLs *see The Clean Water Act Handbook*, Second Edition (Mark Ryan, ed. 2003) (a publication of the American Bar Association Section of Environment, Energy and Resources).

mixed residential, including high density properties such as apartments, commercial and some rural property. Residential properties can contribute significantly to non-point source pollution through stormwater runoff from yards that can include vegetation (*e.g.*, grass clippings), herbicides, pesticides, fertilizers and general debris. Commercial property can be a source of both point and non-point source pollution, although most point sources would be expected to already be regulated under NPDES. Non-point sources would include oil and grease from roads and parking lots, pesticides, herbicides, fertilizers and general debris. Rural areas can be a significant source of nutrients from agricultural operations (*e.g.*, phosphorus) which are specifically exempt from the definition of point sources. *See* 33 U.S.C. §1362(14).

To determine a potential cost for obtaining NPDES point source permits, LWDD looked at monitoring costs, additional software and system costs (*e.g.*, the development of a geographic information system), enhanced data management costs, permit application fees, application development costs and permit implementation costs. Excluding permit implementation, it is estimated that the additional costs to LWDD, including the permit renewal fees at the end of the five year permit would range from $238,000 to $274,000. (E Sciences Report, n.2. *supra)* However, by far, the greatest element of cost is permit implementation.

Given the goals and the function of the NPDES point source permit program, it must be assumed that the process would require meeting State water quality criteria. At present, LWDD provides water quantity control only. The prospect of requiring water quality treatment through a Section 402 NPDES permit would, in effect,

require the wholesale retrofit of a large portion of Palm Beach County. While the total cost of compliance could possibly be shared with the permitted MS4, as well as other point source dischargers into the system, at present it is not possible to distinguish between those sources for the determination of a pro rata share. In any event, the overall cost of compliance is sure to be significant.

In 1998, Florida identified water bodies for which the ambient water quality did not meet established standards pursuant to Section 303(d) of the CWA. Such waters are considered impaired and are potential candidates for the implementation of a TMDL process. According to the 1998 303(d) list, three of LWDD's four basins discharge to impaired waters. The fourth basin (C-15) has three listed lateral canals and due to the interconnected nature of the system would likely need to meet established TMDLs as well.

As previously noted, in establishing the discharge standard LWDD would need to address in the point source permit program, the district would need to meet traditional criteria, including WQBELs. It is difficult to specifically quantify the costs of plan implementation at the present time in the absence of the presentation of relevant data to the regulating agencies as well as the absence of discharge standards promulgated by the agencies for the non-industrial LWDD. There is, however, an analogy that can be made to the cost of implementing TMDLs since, arguably, WQBELs are nothing more than TMDL requirements imposed on a point source basis.

A cost analysis for retrofitting urban watersheds based on meeting TMDL requirements was included in a study done for the City of Tallahassee.[11] Applying this analysis to the establishment of discharge standards through the utilization of WQBELs and anti-degradation criteria does provide us with a scope of the potential costs of Section 402 NPDES permit implementation for LWDD.

The specific details of TMDL allocation procedures are outlined in a document prepared by FDEP and titled A *Report to the Governor and the Legislature on the Allocation of Total Maximum Daily Loads in Florida, date February 1, 2001.* The initial allocation process would first calculate the amount of pollutant reductions that would be achieved if 45% of all agricultural and silvicultural operations implemented the appropriate BMPs, 45% of all urban areas met stormwater treatment requirements for new construction and 45% of homes with septic tanks within the one hundred year flood plain were hooked up to a regional sewer system. If the reductions obtained are not sufficient to meet the TMDL then the same calculations are done at a level of 90%. If the reductions are still insufficient to meet the TMDL, reductions are to be allocated to sources in increments of 10% until the TMDL is met. Based on calculating the cost of compliance by multiplying the acreage in the LWDD requiring treatment to achieve either the 45% or 90% treatment standard by the cost of treatment per unit area (based on available data), the range of the estimated cost of complying with Section 402 NPDES permits for the discharge of water

[11] *Methodology for TMDL Preliminary Cost Analysis*, City of Tallahassee, Stormwater Management Division (2001).

through LWDD's control structures (*i.e.*, its point-sources) would be between 424.5 million and 849 million dollars. (E Sciences Report, n.2, *supra*) And while these costs are approximate and based upon several assumptions, it should also be noted that costs would increase should the described level of treatment in the first two steps (*i.e.*, at 45% and 90% levels) not be adequate to achieve the desired result.

The relevance of this cost analysis, even if rough and approximate, is readily apparent. First, if the range of costs were even only one-fourth of this estimate, the burden would be extraordinary on a district (LWDD) with an annual budget of approximately 12 million dollars. Second, LWDD is only one of approximately one hundred water control and water management districts located in the State of Florida and one of thousands located in the country, many of which have much smaller budgets and much less capability to handle such permit implementation costs. The cost of requiring Section 402 NPDES permits for every point source that merely transfers water from one navigable body to another would be astronomical. Third, these astronomical costs would be imposed on governmental bodies whose function it is to move and manage water for a variety of water quantity reasons (flood control, irrigation, public drinking, water supply, etc.) and who have added *no* pollutants to the water from their receipt of it to their transfer of it. Fourth, this astronomical cost would be imposed by the federal government on state and local governments through an expanded definition of point source discharge (*i.e.*, "addition" of pollutants) which, for all intents and purposes, would usurp the states' retained (under the CWA) rights and responsibilities when it comes to water management.

Finally, the potential astronomical cost of requiring a Section 402 NPDES permit for every structure which transfers water from one navigable body of water to another without the introduction of additional pollutants is itself, standing alone, strong evidence that Congress did not intend NPDES industrial permits to apply to this situation.

Ultimately, the Eleventh Circuit's decision is counterproductive to the goal of clean water. Its focus on regulating the movement of water within or among navigable bodies is a misguided diversion. Through *true* point source industrial discharge permits, non-point source processes and permits, TMDLs and the establishment of state water quality criteria, the focus is more appropriately on addressing and treating pollution and pollutants at their source rather than in the course of their travels within unitary or connected waters of the United States. If Congress had intended otherwise it would simply have prohibited the transfer of any waters containing any pollutants through any point sources without the qualification of an "addition" of pollutants to the navigable waters of the United States. This Congress did not do, deciding, as it did, that cost was a factor to be taken into account in establishing effluent limits. *National Wildlife Federation v. Gorsuch*, *supra* at 178, n.65.

Historically, EPA has never required LWDD or other water control districts to obtain an NPDES point source permit to transfer water from one navigable body to another. Surface water management systems have been established and flood control projects constructed under state water management programs utilizing the non-point source permitting processes to address water quality issues in such circumstances. Nothing has changed by way

of Congressional enactment to modify that process. In essence, the Eleventh Circuit's extension of the NPDES industrial point source permit process, expanding on cases such as *Dubois* and *Catskill Mountains*, is tantamount to amending the Clean Water Act, a process not properly within the ambit of judicial authority.

It is to be recalled that there are significant civil and even criminal penalties for violating the CWA.[12] As it is, with regard to the civil penalties under the Act, CWA is a strict liability statute. *See Kelly v. United States Environmental Protection Agency*, 203 F.3d 519, 523 (7th Cir. 2000) (and cases cited therein). If it was the intent of Congress that water control and water management districts such as LWDD were required to obtain NPDES point source permits, thereby incurring potential costs as outlined herein, and further subjecting such districts to strict liability civil penalties and the potential criminal penalties (for negligent or knowing violations), then it is incumbent upon the Congress to make that intent manifest and clear. Despite the Eleventh Circuit's determination to the contrary (without any discussion of Congressional intent), Congress has not done so.

CONCLUSION

The decision below expands the reach of the NPDES industrial point source permitting program far beyond its historical application and in a manner not supported by

[12] *See* 33 U.S.C. Sections 1319, 1342.

either the language of the Clean Water Act or its legislative history. Water management and water control districts such as those represented by *amici curiae* have not previously been required to obtain NPDES industrial point source permits for the mere movement of water within their own systems or between their own navigable water bodies and others. To require such permitting would impose an inordinate burden, operationally and financially, on such districts without any showing of an appreciable improvement in overall water quality. This was not the intent of Congress in passing the Clean Water Act and in requiring permits for the industrial discharge of pollutants into the waters of the United States. Accordingly, the decision below should be reversed.

Respectfully submitted,

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This form must be completed by all persons applying for a permit for a wastewater facility or activity under Chapter 62-620, F.A.C.

[redacted]

App. 1

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[LOGO]

FLORIDA

WASTEWATER FACILITY OR
ACTIVITY PERMIT
APPLICATION FORM 1
GENERAL INFORMATION

This form must be completed by all persons applying for a permit for a wastewater facility or activity under Chapter 62-620, F.A.C.
See Form 1 to determine which other application forms you will need.

DESCRIPTION OF PERMIT APPLICATION FORMS

Form 1 – General information. This booklet includes general information on applying for a permit for a wastewater facility or activity under Chapter 62-620, Florida Administrative Code (F.A.C.). **Form 1 is required for all permit applications.**

Form 2 – Specific information. This group of forms includes the specific information required for the type of wastewater facility or activity for which a permit is needed. Select the appropriate form(s) to be submitted with Form 1.

Form 2A – Domestic Wastewater Facilities.

Form 2B – Concentrated Animal Feeding Operations and Aquatic Animal Production Facilities.

Form 2CS – Industrial Wastewater Facilities (discharging process wastewater to surface waters).

See form 1 to determine which other application forms you will need.

Form 2CG – Industrial Wastewater Facilities (discharging process wastewater to ground water).

Form 2ES – Industrial Wastewater Facilities (discharging non-process wastewater to surface waters).

Form 2EG – Industrial Facilities (discharging non-process wastewater to ground water).

Form 2F – Stormwater Discharge Associated with Industrial Activity

Form 2CR – Non-Discharging/Closed Loop Recycle System.

SECTION A – GENERAL INSTRUCTIONS

Who Must Apply:

Persons who are or are going to discharge wastewater to waters of Florida or the United States must file for and be granted a permit under Sections 403.087, 403.088, or 403.0885, Florida Statutes (F.S.). Persons that discharge stormwater associated with industrial activity to surface waters of the state must file for and be granted a permit under Section 403.0885, F.S. There are severe penalties for discharging without a permit.

There are some exceptions to this requirement. Discharges of domestic sewage from vessels and discharges from properly operating marine engines are not required to have a permit under the laws listed above. However, discharges of rubbish, trash, garbage or other such materials discharged overboard do require permits. Vessels operated in a capacity other than as a means of transportation are required to have a permit if they are discharging to waters. These types include vessels used as an energy or mining facility, a storage facility, a seafood

processing facility, or an anchored facility for the purpose of mineral or oil exploration or development.

The introduction of sewage, industrial wastes, or other pollutants into a domestic wastewater treatment facility does not need a permit under Sections 403.087, 403.088 or 403.0885, F.S. Persons discharging to permitted wastewater treatment facilities must comply with all applicable pretreatment standards. If a person has a plan or an agreement to switch from direct discharge into waters of the state to discharge to a domestic treatment facility, it does not relieve the person from obtaining a permit for the discharge until such time as the connection is made and the discharge is stopped.

Most discharges from agricultural and silvicultural activities to waters of the state do not require a permit under Sections 403.087, 403.088, or 403.0885, F.S. However, permits under those sections are required for discharges from concentrated animal feeding operations, concentrated aquatic animal production facilities, activities associated with approved aquaculture projects, and silvicultural point sources.

Where to Apply:

Permit applications must be filed with the Department of Environmental Protection (DEP) district office shown in Figure 1 for the county in which the wastewater facility or activity is located, except for permit applications for steam electrical generating power plants which are filed with the DEP offices in Tallahassee. DEP officers are located at

[Figure 1. State Map Showing DEP District Offices Omitted In Printing]

NORTHWEST DISTRICT
160 Government Center,
Ste 308
Pensacola, Florida 32501-5794
Phone No. (850) 585-8300

NORTHEAST DISTRICT
7825 Baymeadows Way,
Suite B-200
Jacksonville, Florida
32256-7577
Phone No. (904) 448-4300

SOUTHWEST DISTRICT
3804 Coconut Palm Drive
Tampa, Florida 33619-8318
Phone No. (813) 744-6100

CENTRAL DISTRICT
3319 Maguire Boulevard,
Suite 232
Orlando, Florida 32803-3767
Phone No. (407) 894-7555

SOUTH DISTRICT
2295 Victoria Avenue,
Suite 364
Fort Myers, Florida 33901
Phone No. (941) 332-6975

SOUTHEAST DISTRICT
400 North Congress Avenue
West Palm Beach, Florida
33401
Phone No. (561) 681-6600

When to Apply:

Applications must be filed with the appropriate DEP office 180 days before your current permit expires or 180 days before startup of a new or modified facility. If the submitted application is for a new facility or for a modification of an existing facility, the information required for describing the construction must be filed at least 90 days before construction begins. The DEP encourages applicants to file the materials describing the construction of a new facility or the modification of an existing facility as early as possible to avoid problems with delays in startup or facility redesign to achieve effluent limitations.

Federal regulations provide that a new source in the NPDES program may not be constructed or started to be constructed before the issuance of an operation permit. Because of this regulation, a permit application for a new

source may need to be submitted well in advance of the required 180 days.

Fees:

Application fees are listed in Section 62-4.050, Florida Administrative Code (F.A.C.). An application will not be processed until the application fee has been paid. If the DEP determines that a permit should be issued for less than five years duration, the application fee will be pro rated.

If permit is issued for a surface water discharge, the permittee will be assessed a regulatory and surveillance program fee annually. Those fees are listed in Section 62-4.052, F.A.C. Failure to pay the annual fee may result in revocation of the permit.

Availability of Information to the Public:

Information contained in these applications forms will, upon request, be made available to the public for inspection and copying. However, you may request confidential treatment for certain information which you may submit to supplement the information requested on these forms. Section 62-620.302, F.A.C., and 40 CFR 2 provide set forth the procedures for making the claim. No information on Forms 1 and 2A through 2EG may be claimed as confidential.

Completion of Forms:

Unless otherwise specified in instructions to the forms, each item in each form must be answered. To indicate that each item has been considered, enter "NA", for not applicable, if a particular item does not fit the circumstances or characteristics of your facility or activity.

If you have previously submitted information to the DEP which answers a question, you may either repeat the information in the space provided or attach a copy of the previous submission. DO NOT WRITE "ON FILE". Some items in the form require narrative explanation. If more space is necessary to answer a question, attach a separate sheet entitled "Additional Information."

SECTION B – FORM 1 LINE-BY-LINE INSTRUCTIONS

This form must be completed by all applicants.

Completing This Form:

Please type or print in the underlined areas only. Some items have a limited number of spaces or characters so that your response may be entered into a computer program. Please do not exceed this maximum number with your response. Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response.

Item 1

Space is provided at the upper right hand corner of Form 1 for insertion of your Facility Identification Number. If you have an existing facility, enter your identification number. If you don't know your identification number, please contact the appropriate DEP office which will provide you with your number. If your facility is new (not yet constructed), leave this item blank.

Item II

Answer each question to determine which supplementary forms you need to fill out. Be sure to check the

glossary in Section C of these instructions for the legal definitions of any words you are not certain of their meaning.

If you answer "no" to every question, then you may not need a permit. However, you should call the appropriate district office to determine if you have made a correct determination. If you answer "yes" to any question, then you must complete and file the supplementary form by the deadline listed in Section A along with this form.

Item III

Enter the facility's official or legal name. Do not use a colloquial name.

Item IV

Give the name, title, and work telephone number of a person who is thoroughly familiar with the operation of the facility, with the facts reported in this application, and who can be contacted by reviewing offices if necessary.

Item V

Give the complete mailing address of the office where correspondence should be sent. This often is not the address used to designate the location of the facility or activity.

Item VI

Give the address or location of the facility identified in Item III of this form. If the facility lacks a street name or route number, give the most accurate alternative geographic information (for example, section number or quarter section number from county records or at intersection of Rts 426 and 22).

Item VII

List four, in descending order of significance, 4-digit standard industrial classification (SIC) codes which best describe your facility in terms of the principal products or services you produce or provide. Also, specify each classification in words. These classifications may differ from the SIC codes describing the operation generating the discharge from the facility.

SIC code numbers are descriptions which may be found in the "Standard Industrial Classification Manual" prepared by the Executive Office of the President, Office of Management and Budget, which is available from the Government Printing Office, Washington, D.C. Your local library may have a copy of this publication which you may use. Use the current edition of the manual. If you have any questions concerning the appropriate SIC code for your facility, please contact the appropriate DEP district office.

Item VII-A

Give the name, as it is legally referred to, of the person, firm, public organization, or any other entity which operates the facility described in this application. This may or may not be the same name as the facility. The operator of the facility is the legal entity which controls the facility's operation rather than the plant or site manager. Do not use a colloquial name.

Item VIII-B

Indicate whether the entity which operates the facility also owns it by marking the appropriate box.

Item VIII-C

Enter the appropriate letter to indicate the legal status of the operator of the facility. Indicate "public" for a facility solely owned by a local government, such as a city, town, county, etc.

Items VIII-D through H

Enter the telephone number and address of the operator identified in Item VIII-A.

Item IX

Indicate whether the facility is located on Indian Lands.

Item X

Give the number of each presently effective wastewater and stormwater permit issued to the facility listed in this application. List relevant federal, state, and local permits. DO NOT LIST ALL YOUR PERMITS. LIST ONLY CURRENT ENVIRONMENTAL PERMITS RELATING TO THIS PROJECT.

Item XI

Provide a topographic map or maps of the area extending at least to one mile beyond the property boundaries of the facility which clearly show the following:

The legal boundaries of the facility;

The location and serial number of each of your existing and proposed intake and discharge structures;

All hazardous waste management facilities;

Each well where you inject fluids underground; and

All springs and surface water bodies in the area, plus all drinking water wells within 1/4 mile of the facility which are identified in the public record or otherwise known to you.

If an intake or discharge structure, hazardous waste disposal site, or injection well associated with the facility is located more than one mile from the plan, include it on the map, if possible. If not, attach additional sheets describing the location of the structure, disposal site, or well, and identify the U.S. Geological Survey (or other) map corresponding to the location.

On each map, include the map scale, a meridian arrow showing north, and latitude and longitude at the nearest whole second. On all maps of rivers, show the direction of the current, and in tidal waters, show the directions of the ebb and flow tides. Use a 7-1/2 minute series map published by the U.S. Geological Survey. If a 7-1/2 minute series map has not been published for your facility site, then you may use a 15 minute series map from the U.S. Geological Survey. If neither a 7-1/2 nor 15 minute series map has been published for your facility site, use a plat map or other appropriate map, including all the requested information; in this case, briefly describe land uses in the map area (for example, residential, commercial).

You may trace your map from a geological survey chart, or other map meeting the above specifications. If you do, your map should bear a note showing the number or title of the map or chart from which it was traced. Include the names of nearby towns, water bodies, and other prominent points.

You may obtain a topographic map from:

Eastern Mapping Center
National Cartographic Information Center
U.S. Geological Survey
536 National Center
Reston, VA 22092

Item XII

Briefly describe the nature of your business (for example, products produced or services provided).

Item XIII

Section 403.161, F.S., provides severe penalties for submitting false information on this application form or any reports or records required by a permit, if issued. There are both civil and criminal penalties, in addition to the revocation of the permit.

Rule 62-620.305, F.A.C., requires that the application and any reports required by the permit, if issued, to be signed as follows:

A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;

B. For partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.

SECTION C – GLOSSARY

NOTE: This Glossary includes terms used in the instructions and in Forms 1, 2A through 2EG. If you have any questions concerning the meaning of any of these terms, please contact your DEP district office.

Activity means any action which results in a discharge of wastes into waters of the State or that is reasonably expected to be a source of water pollution.

Aliquot means a sample of specified volume used to make up a total composite sample.

Animal Feeding Operation means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

A. Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and

B. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Two or more animal feeding operations under common ownership are a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

Animal Unit means a unit of measurement for any animal feeding operation calculated by adding the following number: The number of slaughter and feeder cattle multiplied by 1.0; plus the number of mature dairy cattle multiplied by 1.4; plus the number of swine weighing over 25 kilograms (approximately 55 pounds)

multiplied by 0.4; plus the number of sheep multiplied by 0.1; plus the number of horses multiplied by 2.0.

Application means the approved DEP standard forms for applying for a permit, including any approved additions, revisions, or modifications to the forms. Approved forms are numbered, Form 62-620.910, and have an effective date of October 1, 1994, or later.

Aquifer means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

Best Management Practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs include treatment requirements, operation procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Biological Monitoring Test means any test which include the use of aquatic algal, invertebrate, or vertebrate species to measure acute or chronic toxicity, and any biological or chemical measure of bioaccumulation.

Bypass means the intentional diversion of wastes from any portion of a treatment facility.

Concentrated Animal Feeding Operation means an animal feeding operation which meets the criteria set forth in Chapter 62-670, F.A.C.

Concentrated Aquatic Animal Production Facility means a hatchery, fish farm, or other facility which contains, grows or hold aquatic animals as set forth in Chapter 62-660, F.A.C.

Contact Cooling Water means water used to reduce temperature which comes into contact with a raw material, intermediate product, waste product other than heat, or finished product.

CWA means the Clean Water Act as amended, 33 U.S.C. 1251 et seq.

Dike means any embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

Discharge (of a Pollutant) means any addition of any pollutant or combination of pollutants to waters of the State from any point source; or any addition of any pollutant or combination of pollutants to the marine waters of the State from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes discharges into waters of the State from surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by the State, a municipality, or other person which do not lead to POTWs; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharge.

Effluent Limitation mean any restriction imposed by the DEP on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the State.

Effluent Limitation Guideline means a regulation published under Section 304(b) of the Clean Water Act to adopt or revise effluent limitations.

EPA means the United States Environmental Protection Agency.

Existing Source or Existing Discharger means any source which is not a new source or a new discharger.

Facility or wastewater facility means any facility which can reasonably be expected to be a source of pollution and includes any or all of the following: a collection and transmission system, a wastewater treatment works, a reuse or disposal system, and a residuals management facility.

Ground Water means water below the land surface in a zone of saturation.

Indirect Discharger mean an industrial discharger introducing pollutants to a publicly owned treatment works.

Injection Well mean a well into which fluids are injected.

MDG means millions of gallons per day.

Municipality means a city, village, town, borough, county, district, association, or other public body created by or under State law and have jurisdiction over disposal of sewage, industrial wastes, or other wastes.

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, termination, monitoring and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the CWA. The term includes a State program which has been authorized by EPA under 40 CFR Part 123.

New Discharger mean any building, structure, facility, or installation: (A) from which there is or may be a new or additional discharge of pollutants at a site at which on October 18, 1972, it had never discharged pollutants; (B) which has never received a finally effective NPDES permit for discharges at that site; and (C) which is not a

"new source." This definition includes an indirect discharger which commences discharging into water of the State. It also includes any existing mobile point source, such as an offshore oil drilling rig, seafood processing vessel, or aggregate plant that begins discharging at a location for which it does not have an existing permit.

New Source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced: (A) after promulgation of standards of performance under Section 306 of the CWA which are appliable to such source; or (B) after proposal of standards of performance in accordance with Section 306 of CWA which are appliable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

Non-Contact Cooling Water means water used to reduce temperature which does not come into direct contact with any raw material, intermediate produce, waste product (other than heat), or finished product.

Off-Site means any site which is not "on-site."

On-Site means on the same or geographically contiguous property which may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person, but connected by a right-of-way which the person controls and to which the public does not have access, is also considered on-site property.

Operator means the person responsible for the overall operation of a facility.

Outfall means a point source.

Owner means the person who owns a facility or part of a facility.

Permit means an authorization, license, or equivalent control document issued by the State to implement the requirements of 40 CFR 122, 123, and 124 and Chapter 403, F.S.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended), heat, wrecked or discarded equipment, rocks, sand, cellar dirt and industrial, municipal, and agriculture waste discharged into water. It does NOT mean: (A) sewage from vessels; or (B) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

Privately Owned Treatment Works means any device or system which is used to treat domestic wastewater from any facility which is not a POTW.

Process Wastewater means any water which, during manufacturing or processing, comes into direct contact

with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

Publicly Owned Treatment Works (POTW) means any device or system used in the treatment (including recycling and reclamation) of domestic sewage or industrial wastes of a liquid nature which is owned by a State or municipality. This definition includes any sewers, pipes, or other conveyances, only if they convey wastewater to a POTW providing treatment.

Residuals means the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater. Not included are solids removed from pump stations and lift stations, and screenings and grit removed from the headworks of domestic wastewater treatment facilities. Also not included are other solids removed prior to treatment of the residuals to meet the stabilization standards of Chapter 62-640, F.A.C., or ash generated during the incineration of residuals.

Sewage From Vessels means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels and regulated under Section 312 of the CWA.

Sewage Sludge means residuals.

Silvicultural Point Source means any discernable, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into water of the State.

Stormwater Discharge Associated with Industrial Activity is as defined in 40 CFR 122.26(b)(14).

Surface Impoundment or Impoundment means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which is designed to hold an accumulation of liquid waste or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

Toxic Pollutant means any pollutant listed as toxic under Section 307(a)(1) of the CWA.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Waters of the State means the waters defined in Section 403.031, F.S., and including waters of the United States to the seaward boundaries of the State.

[LOGO]

WASTEWATER FACILITY OR ACTIVITY PERMIT APPLICATION FORM 1 GENERAL INFORMATION

I IDENTIFICATION NUMBER: Facility ID_____

II CHARACTERISTICS:

INSTRUCTIONS: Complete the questions below to determine whether you need to submit any permit application forms to the Department of Environmental

Protection. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the blank in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements. See Section B of the instructions. See also, Section C of the instructions for definitions of the terms used here.

SPECIFIC QUESTIONS	YES	NO	FORM ATTACHED
A. Is this facility a domestic wastewater facility which results in a discharge to surface or ground waters?			
B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters?			
C. Does or will this facility (other than those describe in A. or B.) discharge process wastewater, or non-process wastewater regulated by effluent guidelines or new source performance standards, to surface waters?			
D. Does or will this facility (other than those described in A. or B.) discharge process wastewater to ground waters?			

E. Does or will this facility discharge non-process wastewater, not regulated by effluent guidelines or new source performance standards, to surface waters?			
F. Does or will this facility discharge non-process wastewater to ground waters?			
G. Does or will this facility discharge stormwater associated with industrial activity to surface waters?			
H. Is this facility a non-discharging/closed loop recycle system?			

III NAME OF FACILITY: (40 characters and spaces)

IV FACILITY CONTACT: (A. 30 characters and spaces)

A. Name and Title (Last, first, & title)	B. Phone (area code & no.)

V FACILITY MAILING ADDRESS: (A. 30 characters and spaces; B. 25 characters and spaces)

A. Street or P.O. Box:		
B. City or Town:	State:	Zip Code:

VI FACILITY LOCATION: (A. 30 characters and spaces; B. 24 characters and spaces; C. 3 spaces (if known); D. 25 characters and spaces; E. 2 spaces; F. 9 spaces)

A. Street, Route or Other Specific Identifier:		
B. County Name:	C. County Code (if known):	
D. City or Town:	E. State	F. Zip Code:

VII SIC CODES: (4-digit, in order of priority)

1. Code #	(Specify)	2. Code #	(Specify)
3. Code #	(Specify)	4. Code #	(Specify)

VIII OPERATOR INFORMATION: (A. 40 characters and spaces; B. 1 character; C. 1 character (if other, specify); D. 12 characters; E. 30 characters and spaces; F. 25 characters and spaces; G. 2 characters, H. 9 characters)

A. Name:		B. Is the name in VIII A. the owner? ☐ Yes ☐ No	
C. Status of Operator F = Federal; S = State, P = Private; O = Other M = Public (other than F or S)	(code)	(specify)	D. Phone No.:
E. Street or P.O. Box			
F. City or Town		G. State:	H. Zip Code:

IX INDIAN LAND: Is the facility located on Indian lands?
☐ Yes ☐ No

X EXISTING ENVIRONMENTAL PERMITS:

A. NPDES Permit No.	B. UIC Permit No.	C. Other (specify)	D. Other (specify)

XI MAP: Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII NATURE OF BUSINESS (provide a brief description)

XIII CERTIFICATION: (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. Name (type or print)	B. Signature
Official Title (type or print)	C. Date Signed

[LOGO]

APPLICATION

FORM 2F

PERMIT TO DISCHARGE STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY

INSTRUCTIONS FOR FORM 2F

Who Must File Form 2F

DEP Form 62-620.910(8) (Form 2F) must be completed by owners or operators of facilities or activities that have stormwater discharge associated with industrial activity to surface waters of the state and for which such discharge is not otherwise covered by a State of Florida generic permit.

In addition to Form 2F,

a. owners or operators that have stormwater discharge associated with industrial activity at a facility which discharges process wastewater to surface water must complete and submit DEP Forms 62-620.910(1) and (5) (Forms 1 and 2CS). (See Rule 62-620.200, F.A.C., for a definition of process wastewater.)

b. owners or operators that have stormwater discharge associated with industrial activity at a facility which discharges process wastewater to ground water must complete and submit DEP Forms 62-620.910(1) and (4) (Forms 1 and 2CG).

c. owners or operators that have stormwater discharge associated with industrial activity at a facility which discharges non-process wastewater to surface water must complete and submit DEP Forms 62-620.910(1) and (7) (Forms 1 and 2ES). (See Rule

62-620.200, F.A.C., for a definition of non-process wastewater.)

d. owners or operators that have stormwater discharge associated with industrial activity at a facility which discharges non-process wastewater to ground water must complete and submit DEP Forms 62-620.910(1) and (6) (Forms 1 and 2EG).

c. owners or operators that have stormwater discharge associated with industrial activity from a domestic wastewater facility must complete and submit DEP Forms 62-620.910(1) and (2) (Forms 1 and 2A). (See Rule 62-620.200, F.A.C., for a defin. ion of domestic wastewater facility.)

Where to File Applications

The application forms should be sent to the appropriate Department office listed in Form 1.

Completeness

Your application will not be considered complete unless you answer every question on this form and the other forms listed above. If an item does not apply to you, enter "NA" (for not applicable) to show that you considered the question.

Public Availability of Submitted Information

You may not claim as confidential any information required by this form or the other required forms, whether the information is reported on the forms or in an attachment. Chapter 119, F.S., requires that all permit applications be made available to the public upon request. Any information, except effluent data, you submit to the Department which goes beyond that required by the forms listed above may be claimed as confidential if the requirements of 40 CFR 2 are met. If you do not

assert a claim of confidentiality at the time of submitting the information, the Department may make the information public without further notice to you.

Definitions

"Stormwater discharge associated with industrial activity" is as defined in 40 CFR 122.26(b)(14).

"Material handling activities" means the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the industrial activities as long as the drainage from the excluded areas is not missed with stormwater drained from the described areas.

"Significant materials" means raw materials, fuels, solvents, detergents, plastic pellets, finished materials, metallic products, raw materials used in food processing or production, hazardous substances designated under section 101(14) of CERCLA, any chemical the facility is required to report pursuant to section 313 of title III of SARA, fertilizers, pesticides, waste products, ashes, slag and sludge that have the potential to be released with stormwater discharges.

Additional significant terms used in these instructions and in the form are defined in the glossary found in Form 1 or in Chapters 62-600, 62-620, or 62-660, F.A.C.

ID Number

Fill in your identification number at the top of each odd-numbered page of Form 2F. You may copy this number directly from Form 1. If you are applying for the initial permit for your facility or activity and do not have an identification number, leave this item blank and the Department will assign a number.

Item I

Determine the latitude and longitude of each of your outfalls and the name of the receiving water. If your stormwater is combined with domestic, process or non-process industrial wastewater, indicate which of the outfalls identified on Form 2A, 2CS or 2ES will contain the combined wastewater.

Items II-A

If the answer to this question is yes, complete all parts of the chart, or attach a copy of any previous submission you have made to the Department containing the same information.

Item II-B

You are not required to submit a description of future pollution control projects if you do not wish to or if none is planned.

Item III

Attach a site map showing topography depicting the facility including:

each of its drainage and discharge structures;

the drainage area of each stormwater outfall;

paved areas and buildings within the drainage area of each stormwater outfall, each known past or present areas used for outdoor storage or disposal of significant materials, each existing structural control measure to reduce pollutants in stormwater runoff, materials loading and access areas, areas where pesticides, herbicides, soil conditioners and fertilizers are applied;

each of its hazardous waste treatment, storage or disposal facilities (including each area not required to

have a RCRA permit which is used for accumulating hazardous waste for less than 90 days);

each well where fluids from the facility are injected underground; and

springs, and other surface water bodies which receive stormwater discharges from the facility.

Item IV-A

For each outfall, provide an estimate of the area drained by the outfall which is covered by impervious surfaces. For the purpose of this application, impervious surfaces are surfaces where stormwater runs off at rates that are significantly higher than background rates (for example, pre-development levels) and include paved areas, building roofs, parking lots, and roadways. Include an estimate of the total area, including all impervious and pervious areas, drained by each outfall. The site map required under Item III can be used to estimate the total area drained by each outfall.

Item IV-B

Provide a narrative description of significant materials that are currently or in the past three years have been treated, stored, or disposed in a manner to allow exposure to stormwater; method of treatment, storage or disposal of these materials; past and present materials management practices employed, in the last three years, to minimize contact by these materials with stormwater runoff; materials loading and access areas and the location, manner, and frequency in which pesticides, herbicides, soil conditioners and fertilizers are applied. Significant materials should be identified by chemical name, form (powder, liquid, etc.), and type of container or treatment unit. Indicate any materials treated, stored, or disposed of together.

Item IV-C

For each outfall, structural controls include structures which enclose material handling or storage areas covering materials, berms, dikes, or diversion ditches around manufacturing, production, storage or treatment units, retention ponds, etc. Non-structural controls include practices such as spill prevention plans, employee training, visual inspections, preventive maintenance, and housekeeping measure that are used to prevent or minimize the potential for releases of pollutants.

Item V

Provide a certification that all outfalls that should contain stormwater discharge associated with industrial activity have been tested or evaluated for the presence of non-stormwater discharges which are not covered by an wastewater permit under Rule 62-620, F.A.C. Tests for such non-stormwater discharges may include smoke tests, fluorometric dye tests, analysis of accurate schematics, as well as other appropriate tests. Part B must include a description of the method used, the date of any testing, and the on-site drainage points that were directly observed during a test. All non-stormwater discharges must be identified in the appropriate form from the "Form 2" series which must accompany this application.

Item VI

Provide a description of existing information regarding the history of significant leaks or spills of toxic or hazardous pollutants at the facility in the last three years.

Item VII-A, B, and C

These items require you to collect and report data on the pollutants discharged for each of your outfalls. Each part of this item addresses a different set of pollutants and must be completed in accordance with the specific

instructions for that part. The following general instructions apply to the entire item.

General Instructions for Item VII-A, B, and C

Part A requires you to report at least one analysis for each pollutant listed. Parts B and C requires you to report analytical data in two ways. For some pollutants addressed in Parts B and C, if you know or have reason to know that the pollutant is present in your discharge, you may be required to list the pollutant and test (sample and analyze) and report the levels of the pollutants in your discharge. For all other pollutants addressed in Parts B and C, you must list the pollutant if you know or have reason to know that the pollutant is present in the discharge, and either report quantitative data for the pollutant or briefly describe the reasons the pollutant is expected to be discharged. (See specific instructions on the form and below for Parts A through C.) Base your determination that a pollutant is present in or absent from your discharge on your knowledge of your raw materials, material management practices, maintenance chemicals, history of spills and releases, intermediate and final products and by-products, and any previous analyses known to you of your effluent or similar effluent.

A. Sampling: The collection of the samples for the reported analyses shall be in accordance with 40 CFR 136 and Rule 62-160, F.A.C. Any specific requirements contained in the applicable analytical methods should be followed for sample containers, sample preservation, holding times, the collection of duplicate samples, etc. The time when you sample should be representative, to the extent feasible, of your treatment system operating properly with no system upsets. Samples should be collected from the center of the flow channel, where turbulence is at a maximum, at a site specified in your

present permit, or at any site adequate for the collection of a representative sample.

For pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, and fecal coliform, grab samples taken during the first 30 minutes, or as soon thereafter as practicable, of the discharge must be used. For all other pollutants both a grab sample collected during the first 30 minutes, or as soon thereafter as practicable, of the discharge and a flow-weighted composite sample must be analyzed. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period of greater than 24 hours.

All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area.

A grab sample shall be taken during the first 30 minutes, or as soon thereafter as practicable, and a flow-weighted composite shall be taken for the entire event or for the first three hours of the event.

Grab and composite samples are defined as follows:

Grab sample: An individual sample of at least 100 milliliters collected during the first 30 minutes, or as soon thereafter as practicable, of the discharge. This sample is to be analyzed separately from the composite sample.

Flow-Weighted Composite sample: A flow-weighted composite sample may be taken with a continuous sampler that proportions the amount of sample collected with the flow rate or as a combination of

a minimum of three sample aliquots taken in each hour of discharge for the entire event or for the first three hours of the event, with each aliquot being at least 100 milliliters and collected with a minimum period of 15 minutes between aliquot collections. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically. Where GC/MX Volatile Organic Analysis (VOA) is required, aliquots must be combined in the laboratory immediately before analysis. Only one analysis for the composite sample is required.

Data from samples taken in the past may be used, provided that all data requirements are met; sampling was done no more than three years before submission; and all data are representative of the present discharge.

Among the factors which would cause the data to be unrepresentative are significant changes in production level, changes in raw materials, processes, or final products, and changes in stormwater treatment. The Department may request additional information, including current quantitative data, if it is necessary to assess your discharges. The Department may allow or establish appropriate site-specific sampling procedures or requirements, including sampling locations, the season in which the sampling takes place, the minimum duration between the previous measurable storm event and the storm event sampled, the minimum or maximum level of precipitation required for an appropriate storm event, the protocols for collecting samples under 40 CFR 136 or Rule 62-160, F.A.C., and additional time for submitting data on a case-by-case basis.

B. Reporting: All levels must be reported as concentration and mass. Grab samples are reported in terms of concentration. You may report some or all of the required data by attaching separate sheets of paper instead of filling out pages VII-1 and VII-2 if separate sheets contain all the required information in a format which is consistent with pages VII-1 and VII-2 in spacing and identification of pollutants and columns. Use the abbreviations listed below in the columns headed "Units."

Concentration		Mass	
ppb	parts per billion	lbs	pounds
ppm	parts per million	ton	tons (English tons)
mb/L	milligrams per liter	mg	milligrams
ug/L	micrograms per liter	g	grams
		kg	kilograms
		T	tonnes (metric tons)

All reporting of values for metals must be in terms of "total recoverable metal." unless

(1) An applicable, promulgated effluent limitation or standard specifies the limitation for the metal in dissolved, valent, or total form; or

(2) All approved analytical methods for the metal inherently measure only its dissolved form; or

(3) The Department has determined that in establishing case-by-case limitations it is necessary to express the limitations on the metal in dissolved, valent, or total form to carry out the provision of the CWA. If you measure only one grab sample and one flow-weighted composite sample for a given outfall, complete only the "Maximum Values" columns and insert "1" into "Number of Storm Events Sampled" column. The department may require you to conduct

additional analyses to further characterize your discharges.

If you measure more than one value for a grab sample or a flow-weighted composite sample for a given outfall and those values are representative of your discharge, you must report them. You must describe your method of testing and data analysis. You also must determine the average of all values within the last year and report the concentration and mass under the "Average Values" columns, and the total number of storm events samples under the "Number of Storm Events Sampled" columns.

C. Analysis: You must use test methods promulgated in 40 CFR 136 or Rule 62-160, F.A.C.; however, if none has been promulgated for a particular pollutant, you may use any suitable method for measuring the level of pollutant in your discharge provided that you submit a description of the method or a reference to a published method. Your description should include the sample holding time, preservation techniques, and the quality control measures which you used. If you have two or more substantially identical outfalls, you may request permission to sample and analyze only one outfall and submit the results of the analysis for other substantially identical outfalls. If your request is granted by the Department, on a separate sheet attached to the application form, identify which outfall you did test and describe why the outfalls which you did not test are substantially identical to the outfall which you did test.

Part VII-A

Part VII-A must be completed by all applicants for all outfalls who must complete Form 2F.

Analyze a grab sample collected during the first 30 minutes, or as soon thereafter as practicable, of the discharge and flow-weighted composite samples for all pollutants in this Part, and report the results except use

only grab samples for pH and oil and grease. See discussion in General instructions to Item VII for definitions of grab sample collected during the first 30 minutes of discharge and flow-weighted composite sample. The "Average Values" column is not compulsory but should be filled out if data are available.

Part VII-B

List all pollutants that are limited in an effluent guideline which the facility is subject to or any pollutant listed in the wastewater permit for the facility if the facility is operating under an existing wastewater permit. Complete one table for each outfall. The "Average Values" column is not compulsory but should be filled out if data are available. Analyze a grab sample for all pollutants in this Part, and report the results, except as provided in the General Instructions.

Part VII-C

Part VII-C must be completed by all applicants for all outfalls which discharge stormwater associated with industrial activity. Use both a grab sample and a composite sample for all pollutants you analyze for in this part except use grab samples for residual chlorine and fecal coliform. The "Average Values" column is not compulsory but should be filled out if data are available. Part C requires you to address the pollutants in Table 2F-2, 2F-3, and 2F-4 for each outfall. Pollutants in each of these Tables are addressed differently.

Table 2F-2: For each outfall, list all pollutants in Table 2F-2 that you know or have reason to believe are discharged, except pollutants previously listed in Part VII-B. If a pollutant is limited in an effluent guideline limitation for the facility, the pollutant must be analyzed and reported in Part VII-B. If a pollutant in Table 2F-2 is indirectly limited by an effluent guideline limitation through an indicator (e.g., TSS used as an indicator to

control the discharge of iron and aluminum), you must analyze for it and report the data in Part VII-B. For other pollutants listed in Table 2F-2, those not limited directly or indirectly by an effluent limitation guideline, that you know or have reason to believe are discharged, you must either report quantitative data or briefly describe the reasons the pollutant is expected to be discharged.

Table 2F-3: For each outfall, list all pollutants in Table 2F-3 that you know or have reason to believe are discharged. For every pollutant in Table 2F-3 expected to be discharged in concentrations of 10 ppb or greater, you must submit quantitative data. For acrolein; acrylonitrile; 2,4 dinitrophenol; and 2-methyl-4, 6 dinitrophenol, you must submit quantitative data if any of these four pollutants is expected to be discharged in concentrations 100 ppb or greater. For every pollutant expected to be discharged in concentrations less than 10 ppb (or 100 ppb for the four pollutants listed above), then you must either submit quantitative data or briefly describe the reasons the pollutant is expected to be discharged.

Table 2F-4: For each outfall, list any pollutant in Table 2F-4 that you know or believe to be present in the discharge and explain why you believe it to be present. No analysis is required, but if you have analytical data, you must report them. Certain discharges of hazardous substances may be exempted from the requirements of section 311 of the CWA which establishes reporting requirements. Please contact the Department for further information.

Part VII-D

If sampling is conducted during more than one storm event, you only need to report the information requested in Part VII-D for the storm event(s) which resulted in

any maximum pollutant concentration report in Part VII-A, VII-B, or VII-C.

Provide flow measurements or estimates of the flow rate, and the total amount of discharge for the storm event(s) sampled, the method of flow measurement, or estimation. Provide the data and duration of the storm event(s) sampled, rainfall measurement, or estimates of the storm event which generated the sampled runoff and the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

Part VII-E

List any toxic pollutant listed in Tables 2F-2, 2F-3, or 2F-4 which you currently use or manufacture as an intermediate or final product or by-product. In addition, if you know or have reason to believe that 2,3,7,8 tetrachlorodibenzo-p-dioxin (TCDD) is discharged, or if you use or manufacture 2,4,5-trichlorophenoxy acetic acid (2,4,5,-T); 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 3,4,5-TP); 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); O,O-dimethyl O-(2,4,5-trichlorphenyl) phosphorothicate (Ronnel); 2,4,5-trichlorophenol (TCP); or hexachlorophene (HCP); then list TCDD. The Department may waive or modify the requirement if you demonstrate that it would be unduly burdensome to identify each toxic pollutant and the Department has adequate information to issue your permit. You may not claim this information as confidential; however, you do not have to distinguish between use or production of the pollutants or list the amounts.

Item VIII

Self explanatory. The Department may ask you to provide additional details after your application is received.

Item X

Chapter 403, F.S., provides for severe penalties for submitting false information on this application form. Rule 62-620.305, F.A.C., requires the certification in this item to be signed by an appropriate and responsible authority. If the certification is not signed in accordance with this rule, the application will be deemed incomplete and returned.

TABLE 2F-1
CODES FOR TREATMENT UNITS

Physical Treatment Processes

1-A Ammonia Stripping	1-N Microstraining
1-B Dialysis	1-O Mixing
1-C Diatomaceous Earth Filtration	1-P Moving Bed Filters
1-D Distillation	1-Q Multimedia Filtration
1-E Electrodialysis	1-R Percolation Pond
1-F Evaporation	1-S Rapid Sand Filtration
1-G Flocculation	1-T Reverse Osmosis (Hyperfiltration)
1-H Flotation	1-U Screening
1-I Foam Fractionation	1-V Sedimentation (Settling)
1-J Freezing	1-W Slow Sand Filtration
1-K Gas-Phase Separation	1-X Solvent Extraction
1-L Grinding (Comminutors)	1-Y Sorption
1-M Grit Removal	

Chemical Treatment Processes

2-A Carbon Adsorption	2-G Disinfection (Ozone)
2-B Chemical Oxidation	2-H Disinfection (Other)
2-C Chemical Precipitation	2-I Electrochemical Treatment
2-D Coagulation	2-J Ion Exchange
2-E Dechlorination	2-K Neutralization
2-F Disinfection (Chlorine)	2-L Reduction

Biological Treatment Processes

3-A Activated Sludge
3-B Aerated Lagoons
3-C Anaerobic Treatment
3-D Nitrification-Denitrification
3-E Pre-Aeration
3-F Spray Irrigation/Land Application
3-G Stabilization Ponds
3-H Trickling Filtration

Other Processes

4-A Discharge to Surface Water
4-B Ocean Discharge Through Outfall
4-C Reuse/Recycle of Treated Effluent
4-D Underground Injection

Sludge Treatment and Disposal Processes

5-A Aerobic Digestion
5-B Anaerobic Digestion
5-C Belt Filtration
5-D Centrifugation
5-E Chemical Conditioning
5-F Chlorine Treatment
5-G Composting
5-H Drying Beds
5-I Elutriation
5-J Flotation Thickening
5-K Freezing
5-L Gravity Thickening
5-M Heat Drying
5-N Heat Treatment
5-O Incineration
5-P Land Application
5-Q Landfill
5-R Pressure Filtration
5-S Pyrolysis
5-T Sludge Lagoons
5-U Vacuum Filtration
5-V Vibration
5-W Wet Oxidation

TABLE 2F-2
CONVENTIONAL AND NON-CONVENTIONAL POLLUTANTS REQUIRED TO BE TESTED BY EXISTING DISCHARGER IF EXPECTED TO BE PRESENT

Aluminum, Total
Barium, Total
Boron, Total
Bromide
Manganese, Total
Nitrate-Nitrite
Nitrogen, Total Organic
Oil and Grease

Chlorine, Total Residual
Cobalt, Total
Color
Fecal Coliform
Fluoride
Iron, Total
Magnesium, Total
Molybdenum, Total
Phosphorus, Total
Radioactivity
Sulfate
Sulfide
Sulfite
Surfactants
Tin, Total
Titanium, Total

TABLE 2F-3
TOXIC POLLUTANTS REQUIRED TO BE IDENTIFIED BY APPLICANT IF EXPECTED TO BE PRESENT

Toxic Pollutants and Total Phenol

Antimony, Total
Arsenic, Total
Beryllium, Total
Cadmium, Total
Chromium, Total
Copper, Total
Cyanide, Total
Lead, Total
Mercury, Total
Nickel, Total
Phenols, Total
Selenium, Total
Silver, Total
Thallium, Total
Zinc, Total

GC/MS Fraction Volatiles Compounds

Acrolein
Acrylonitrile
Benzene
Bromoform
Carbon Tetrachloride
Chlorobenzene
Chlorodibromoethane
Chloroethane
2-Chloroethylvinyl Ether
Chloroform
Dichlorobromomethane
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethylene
1,2-Dichloropropane
1,3-Dichloropropylene
Ethylbenzene
Methyl Bromide
Methyl Chloride
Methylene Chloride
1,1,2,2-Tetrachloroethane
Tetrachloroethylene
Toluene
1,2-Trans, Dichloroethylene
1,1,1-Trichloroethane
1,1,2-Trichloroethane
Trichloroethylene
Vinyl Chloride

Acid Compounds

2-Chlorophenol	2,4-Dinitrophenol	Pentachlorophenol
2,4-Dichlorophenol	2-Nitrophenol	Phenol
2,4-Dimethyl-phenol	4-Nitrophenol	2,4,6-Trichloro-phenol
4,6-Dinitro-O-Cresol	p-Chloro-M-Cresol	

Base/Neutral

Acenaphthene	2-Chloronaphtha-lene	Fluroanthene
Acenaphthylene		Fluorene
Anthracene	4-Chlorophenyl Phenyl Ether	Hexachlorobenzene
Benzidine		Hexachlorobutadiene
Benzo(a)anthracene	Chrysene	Hexachloroethane
Benzo(a)pyrene	Dibenzo(a,h)an-thracene	Indeno(1,2,3-ed) pyrene
3,4-Benzofluroran-thene	1,2-Dichloroben-zene	Isophorone
Benzo(ghi)perylene		Napthalene
Benzo(k)fluoran-thene	1,3-Dichloroben-zene	Nitrobenzene
		N-Nitrosodimethyl-amine
Bis(2-chloroe-thoxy)methane	1,4-Dichloroben-zene	
		N-Nitrosodi-N-Propylamine
Bis(2-chloroe-thyl)ether	3,3-Dichlorobenzi-dine	
		N-Nitrosodiphenyl-amine
Bis(2-chloro-isopropyl)ether	Diethyl Phthalate	Phenanthrene
	Dimethyl Phtha-late	Pyrene
Bis(2-ethyly-hexyl)phthalate		1,2,4-Trichloroben-zene
	Di-N-Butyl Phtha-late	
4-Bromophenyl Phenyl Ether	2,4-Dinitrotoluene	
	2,6-Dinitrotoluene	
Butylbenzyl Phthalate	Di-N-Octylphtha-late	
	1,2-Diphenylhydra-zine (as Azobenzene)	

Pesticides

Aldrin	Dieldrin	PCB-1242
Alpha-BHC	Alpha-Endosulfan	PCB-1254
Beta-BHC	Beta-Endosulfan	PCB-1221
Gamma-BHC	Endosulfan Sulfate	PCB-1232
Delta-BHC	Endrin	PCB-1248
Chlordane	Endrin Aldehyde	PCB-1260
4,4'-DDT	Heptachlor	PCB-1016
4,4'-DDE	Heptachlor Epoxide	Toxaphene
4,4'-DDD		

TABLE 2F-4
HAZARDOUS SUBSTANCES REQUIRED TO BE IDENTIFIED BY APPLICANT IF EXPECTED TO BE PRESENT

Toxic Pollutant

Asbestos

Hazardous Substances

Acetaldehyde	Dinitrobenzene	Parathion
Allyl alcohol	Diquat	Phenolsulfonate
Allyl chloride	Disulfoton	Phosgene
Amyl acetate	Diuron	Progargite
Aniline	Epichlorohydrin	Propylene oxide
Benzonitrile	Ethion	Pyrethrins
Benzyl chloride	Ethylene diamine	Quinoline
Butyl acetate	Ethylene dibromide	Resorcinol
Butylamine	Formaldehyde	Stronthium
Carbaryl	Furfural	Strychnine
Carbofuran	Guthion	Styrene
Carbon disulfide	Isoprene	2,4,5-T (2,4,5-Trichloro-phenoxyacetic acid)
Chlorpyrifos	Isopropanolamine	
Coumaphos	Kelthane	
Cresol	Kepone	
Crotonaldehyde	Malathion	

Cyclohexane
2,4-D (2,4-dichlorophenoxyacetic acid)
Diazinon
Dicamba
Dichlobenil
Dichlone
2,2-Dichloropropionic acid
Dichorvos
Diethyl amine
Dimethyl amine
Mercaptodimethur
Methoxychlor
Methylmercaptan
Methyl methacrylate
Methyl parathion
Mevinphos
Mexacarbate
Monoethyl amine
Monomethyl amine
Naled
Napthenic acid
Nitrotoluene
TDE (Tetrachlorodiphenyl ethane)
2,4,5-TP (2-(2,4,5-Trichlorophenoxy) propanoic acid)
Trichlorofan
Triethylamine
Trimethylamine
Uranium
Vanadium
Vinyl acetate
Xylene
Xylenol
Zirconium

FORM 2F [LOGO]

APPLICATION FOR PERMIT FOR STORMWATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY

Facility I.D. Number _____

Please type or print in black ink. If additional space is needed for your answer, use plain sheets and attach to the application form.

I. Outfall Location:

For each outfall, list the latitude and longitude of its location to the nearest 15 seconds and the name of the receiving water.

A. Outfall Number (list)	B. Latitude			C. Longitude			D. Receiving Water (Name)

II. Improvements:

A. Are you now required by any Federal, State, or local authority to meet any implementation schedule for the construction, upgrading or operation of stormwater or wastewater treatment equipment or practices or any other environmental programs which may affect the discharges described in this application? This includes, but is not limited to, permit conditions, administrative or enforcement orders, enforcement compliance schedule letters, stipulations, court orders, and grant or loan conditions?

1. Identification of Conditions, Agreements	2. Affected Outfalls	
	No.	Source of Discharge

3. Brief Description of Project	4. Final Compliance Date	
	a. required	b. projected

B. You may attach additional sheets describing any additional water pollution or other environmental projects which may affect your discharge that you now have underway or which you plan. Indicate whether each program is now underway or planned, and indicate your actual or planned schedules for construction.

III. Site Drainage Map:

Attach a site map showing topography depicting the facility including each of its intake and discharge structures; the drainage area of each stormwater outfall; paved areas and buildings within the drainage area of each stormwater outfall; each known past or present areas used for outdoor storage or disposal of significant materials; each existing structural control measure to reduce pollutants in stormwater runoff, materials loading and access areas, areas where pesticides, herbicides, soil conditioners and fertilizers are applied; each of its hazardous waste treatment, storage or disposal units; each well where fluids from the facility are injected underground; springs, and other surface water bodies which receive stormwater discharges from the facility. Show hazardous waste storage or disposal areas that do not require a RCRA permit separate from those which do require a permit.

IV. Narrative Description of Pollutant Sources:

A. For each outfall, provide an estimate of the area (include units) of impervious surfaces, including areas and building roofs, drained to the outfall, and an estimate of the total surface area drained by the outfall.

Outfall No.	Area of Impervious Surface (units)	Total Area Drained (units)

Outfall No.	Area of Impervious Surface (units)	Total Area Drained (units)

B. Provide a narrative description of significant materials that are currently, or in the past three years have been, treated, stored or disposed in a manner that allows exposure to stormwater, method of treatment, storage, or disposal; past and present materials management practices employed to minimize contact with stormwater runoff; materials loading and access areas; and the location, manner, and frequency in which pesticides, herbicides, soil conditioners, and fertilizers are applied.

C. For each outfall, provide the location and a description of existing structural and nonstructural control measures to reduce pollutants in stormwater runoff; and a description of the treatment the

stormwater receives, including the schedule and type of maintenance for control and treatment measures and the ultimate disposal of any solid or fluid wastes other than by discharge.

Outfall No.	Treatment	Table 2F-1 Code

V. Non-stormwater Discharges:

A. I certify under penalty of law that the outfall(s) covered by this application have been tested or evaluated for the presence of non-stormwater discharges, and that all non-stormwater discharges from these outfall(s) are identified in either an accompanying DEP Form 62-620.910(5) or (7) (Forms 2CS or 2ES) application for the outfall.

Name and Official Title (type or print)	Signature	Date Signed

B. Provide a description of the method used, the date of any testing, and the onsite drainage points that were directly observed during a test.

VI. Significant Leaks or Spills:

Provide existing information regarding the history of significant leaks or spills of toxic or hazardous pollutants at the facility in the last three years, including the approximate date and location of the spill or leak, and the type and amount of material released.

VII. Discharge Information:

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided. Tables VII-A, VII-B, and VII-C are included on separate sheets numbered VII-1 and VII-2.

E. Potential discharge not covered by analysis – is any toxic pollutant listed in Table 2F-2, 2F-3, or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or by-product?

☐ Yes (list all such pollutants below) ☐ No (go to section VIII)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

☐ Yes (list results below) ☐ No (go to section IX)

IX. Contract Analysis Information

Were any of the analysis reported in item VII performed by a contract laboratory or consulting firm?

☐ Yes (list the name, address, and telephone number of, and pollutants analyzed by each such laboratory or firm below)

☐ No (go to section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed

X-A. Certifications for New or Modified Facilities

[See X-B Follows]

I certify that the engineering features of this pollution control project have been designed by me and found to be in conformity with sound engineering principles, applicable to the treatment and disposal of pollutants characterized in the permit application. There is reasonable assurance, in my professional judgment, that the pollution control facilities, when properly maintained and operated, will discharge an effluent that complies with all applicable statutes of the State of Florida and the rules of the Department. It is also agreed that the undersigned, if authorized by the owner, will furnish the applicant a set of instructions for the proper maintenance and operation of the pollution control facilities and, if applicable, pollution sources.

Signature

Name (please type):

(Affix Seal)

Company Name:

Address: _____

Florida Registration No.: _____

Telephone No.: _____

Date: _____

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those person directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name & Official Title (type or print)

Signature

Telephone No. (area code & no.)

Date Signed

X-B. CERTIFICATIONS FOR PERMIT RENEWALS

I certify that the engineering features of this pollution control project have been examined by me and found to be in conformity with sound engineering principles, applicable to the treatment and disposal of pollutants

characterized in the permit application. There is reasonable assurance, in my professional judgment, that the pollution control facilities, when properly maintained and operated, will discharge an effluent that complies with all applicable statutes of the State of Florida and the rules of the Department.

_____	_____
Signature	Company Name:
_____	Address: _____
Name (please type):	_____
	_____
	Florida Registration No.: _____
(Affix Seal)	Telephone No.: _____
	Date: _____

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those person directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

_____	_____
Name & Official Title (type or print)	Signature
_____	_____
Telephone No. (area code & no.)	Date Signed

Facility I.D. Number: _____

VII. Discharge Information (Continued from page 2F-15 of Form 2F)

Part A - You must provide the results of at least one analysis for every pollutant in this table. Complete one table for each outfall. See instructions for additional details.

Pollutant and CAS Number (if available)	Minimum Values (include units)		Average Values (include units)		# of Storm Events Sampled	Sources of Pollutants
	Grab Sample Taken During First 30 Minutes	Flow-weighted Composite	Grab Sample Taken During First 30 Minutes	Flow-weighted Composite		
Oil and Grease		N/A				
Biochemical Oxygen Demand (BOD_5)						
Chemical Oxygen Demand (COD)						
Total Suspended Solids (TSS)						
Total Kjeldahl Nitrogen						
Nitrate + Nitrite Nitrogen						
Total Phosphorus						
pH	Minimum	Maximum	Minimum	Maximum		

Part B - List each pollutant that is limited in an effluent guideline which the facility is subject to or any pollutant listed in the facility's wastewater permit for its wastewater effluent if the facility is operating under an existing wastewater permit. Complete one table for each outfall. See instructions for additional details and requirements.

Pollutant and CAS Number (if available)	Minimum Values (include units)		Average Values (include units)		# of Storm Events Sampled	Sources of Pollutants
	Grab Sample Taken During First 30 Minutes	Flow-weighted composite	Grab Sample Taken During First 30 Minutes	Flow-weighted Composite		

VII. Discharge Information (Continued from Table VII on page VII - 1 of Form 2F)

Part C - List each pollutant shown in Tables 2F-2, 2F-3, and 2F-4 that you know or have reasons to believe is present. Complete one table for each outfall. See instructions for additional details.

Pollutant and CAS Number (if available)	Minimum Values (include units)		Average Values (include units)		# of Storm Events Sampled	Sources of Pollutants
	Grab Sample Taken During First 30 Minutes	Flow-weighted Composite	Grab Sample Taken During First 30 Minutes	Flow-weighted Composite		

Part D - Provide data for the storm event(s) which resulted in the maximum values for the flow weighted composite sample.

1. Date of Storm Event	2. Duration of Storm Event (in minutes)	3. Total rainfall during storm event (in inches)	4. Number of hours between beginning of storm measured and end of previous measurable rain event	5. Maximum flow rate during rain event (specify units)	6. Total flow from rain event (specify units)	7. Comments

Provide a description of the method of flow measurement or estimate.

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